THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.8571 OF 2006

Dated: 27th June, 2006.

Between :

Surapaneni Venkateswara Rao … Petitioner

And

The Regional Passport Officer, Hyderabad. .. Respondent

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.8571 OF 2006

ORDER :

Heard the learned Counsel for the petitioner and Sri M. Ganga Rao, the learned Standing Counsel appearing for the respondent.

The petitioner states that his actual date of birth is 5-5-1959, however, the same was wrongly shown in his passport bearing No.A-5187932 as 5-5-1960. Having noticed the said mistake, the petitioner approached the respondent requesting the necessary corrections in the passport. However, the respondent did not consider the same. Hence, this writ petition.

It is required to be noticed that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-4-2001, which are to the following effect :

> *(a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth is the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.*
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> *(b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provision of Section 21 of the General Clauses Act, 1997, a competent authority issuing a*

certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school / educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

Accordingly, the Writ Petition is disposed of granting liberty to the petitioner to make an appropriate application together with the document to establish his correct date of birth within two (2) weeks from today. If any, such application is made, the same shall be received and considered by the respondent in accordance with Circular dated 18-4-2001 and appropriate orders shall be passed within two weeks from the date of receipt of such application. No costs.

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G. ROHINI, J.

Dt. 27-6-2006

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Note:- CC in 2 days.